

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 17

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte PETER K. MATZINGER,
MICHELANGELO SCALONE, and
ULRICH ZUTTER

Application No. 09/546,143

MAILED

JAN 29 2003

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on January 13, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

An Appeal Brief (Paper No. 13) was entered October 12, 2001. The examiner then entered an Examiner's Answer (Paper No. 14) on July 15, 2002. Appellants responded (Paper No. 15) to the Examiner's Answer (Paper No. 14) on August 5, 2002. However, there is no indication that the examiner has considered this paper.

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Accordingly, it is

ORDERED that the application is returned to the Examiner for written consideration of Paper No. 15, and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

A handwritten signature in black ink, appearing to read 'Dale M. Shaw', written over a horizontal line.

Dale M. Shaw
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Application No. 09/546,143

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